

Date Posted: 10/30/09

Meeting: City Council Meeting

Date of Meeting: 11/3/09

Time of Meeting: 7:30pm

Place of Meeting: City Hall, Council Chambers

145 Taunton Avenue

East Providence, RI 02914

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

November 3, 2009

6:30pm Executive Session

7:30pm Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Law § 42-46-5 (a) (2)

- 1. GeoNova Development Company vs. City of East Providence**
- 2. Omnipoint Communications vs. City of East Providence**
- 3. Damiani vs. City of East Providence**

Claims Committee

See concurrently posted Claims Committee Meeting Agenda

II. CALL TO ORDER

III. INVOCATION

IV. SALUTE TO THE FLAG

V. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Approval of Council Journals

1. Journal Regular Council Meeting October 6, 2009

B. Letters

1. Coastal Resources Management Council assent to construct and maintain 1.1 miles of new road along railroad right-of-way east side of Seekonk River connecting Warren Ave. and Dexter Rd.

2. Notice of Property Number Change 34 Sumach Avenue, Map 309, Block 08, Parcel 016.00.

C. Alcoholic Beverage Class F

1. Sacred Heart Church, Annual Dinner Dance November 7, 2009. 118 Taunton Avenue (02914)

D. Vict/Over 50

Pollo Boston, LLC., DBA Campero, 25 Newport Avenue (02916)

E. Cancellation/Abatement

Year Amount

2009 123.16

Total 123.16

F. Hardship Appeals

Hardships \$3804.04

Appeals \$4113.21

Total \$7917.25

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

VI. APPOINTMENTS

1. Harbor Management Commission (by Councilman DiTraglia)

Jeanne Brockway, 24 Lathem Avenue, Barrington 02806 (ex-officio, Barrington resident)

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

VI. ORDINANCES-FINAL PASSAGE

1.This ordinance authorizes the Director of Finance to borrow during the fiscal year ending October 31, 2010 money in anticipation of the sewer use fee revenue.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

AN ORDINANCE AUTHORIZING THE DIRECTOR OF

FINANCE TO BORROW FUNDS IN ANTICIPATION OF REVENUE.

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

SECTION I. The Director of Finance is authorized to borrow during the fiscal year ending October 31, 2010 such sums of money in anticipation of the sewer use fee revenue of the year as may be permitted by law for the purpose of meeting the current liabilities and expenses of the City and that the Director of Finance is authorized to issue the note or notes of the City therefore and to refund such note or notes and any revenue anticipation notes of a prior year to the extent permitted by law.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

Motion_____By____2nd_____

Coogan____Cusack____DiTraglia____Perry____Larisa_____

2.This ordinance authorizes the Director of Finance to borrow during the fiscal year ending October 31, 2010 money in anticipation of the property taxes.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF
FINANCE TO BORROW FUNDS IN ANTICIPATION OF TAXES.
THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

SECTION I. The Director of Finance is authorized to borrow during the fiscal year ending October 31, 2010 such sums of money in anticipation of the property taxes of the year as may be permitted by law for the purpose of meeting the current liabilities and expenses of the City and that the Director of Finance is authorized to issue the note or notes of the City therefore and to refund such note or notes and any tax anticipation notes of a prior year to the extent permitted by law.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

Motion_____By____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

3.The following ordinance pertains to the assessment and collection of property tax on the ratable real estate, tangible personal property and an excise tax on registered motor vehicles and trailers.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF EAST PROVIDENCE**

**AN ORDINANCE ORDERING THE ASSESSMENT AND COLLECTION
OF**

PROPERTY TAX ON THE RATABLE REAL ESTATE, TANGIBLE PERSONAL

PROPERTY AND AN EXCISE TAX ON REGISTERED MOTOR VEHICLES AND TRAILERS.

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. That the City Council of the City of East Providence hereby orders the assessment and collection of a tax on ratable real estate, tangible personal property and an excise tax on registered motor vehicles and trailers in a sum not more than Eighty-seven Million Three Hundred Twenty-one Thousand (\$87,321,000) Dollars nor less than Eighty-six Million Two Hundred Twenty-one Thousand (\$86,221,000) Dollars. Said tax is for ordinary expenses, for the payment of interest and indebtedness, in whole or in part, of said city, and for other purposes authorized by law.

The Tax Assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the 31st day of December, 2009 at twelve o'clock Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the City Treasurer of the City of East Providence, who is charged with the duties for the collection of taxes, on or before the 15th day of June, 2010 complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate,

personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the City Treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the 1st day of June 2010 and the 1st day of July, 2010 and provided further that if said tangible personal property and real estate taxes are paid in full on or before the 1st day of July, 2010, a discount of three per centum (3%) of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the 1st day of July, 2010 shall carry until collected a penalty at the rate of twelve per centum (12%) per annum from the 1st day of June, 2010 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of twenty-five per centum (25%) on or before the 1st day of July, 2010, the second installment of twenty-five per centum (25%) on or before the 1st day of September, 2010, the third installment of twenty-five per centum (25%) on or before the 1st day of December, 2010 and the fourth installment of twenty-five per centum (25%) on or before the 1st day of March, 2011.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become

due and payable and carry until collected a penalty at the rate of twelve per centum, (12%) per annum.

The City Treasurer shall, by advertisement in the public newspaper having circulation in the City of East Providence, notify all persons assessed to pay their respective taxes at his office on and between the said 1st day of June, and the 1st day of July, 2010 both days inclusive; said City Treasurer setting forth the hours during which his office shall remain open to receive said taxes.

SECTION II. That any of said taxes not paid on or before the 1st day of March, 2011 shall forthwith be collected by levy upon the sale of real estate upon which it is assessed and by that or other due process of law in case of assessment upon personal property.

SECTION III. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

4. The purpose of the ordinance is to establish a bus drop off and pick up zone for the East Bay Community Action Program's Head Start Facility located at 70 Turner Avenue.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

**AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED**

“VEHICLES AND TRAFFIC”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Subsection 18-307 entitled “Parking prohibited at all times.” of Article X entitled “Stopping, Standing and Parking.” of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.” is amended by adding thereto the following:

Turner Avenue (south side), from utility pole #6, easterly for 52 feet, between 8:00 a.m. and 9:00 a.m. and 2:00 p.m. and 3:00 p.m. on school days.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Motion_____By____2nd_____

Coogan____Cusack____DiTraglia____Perry____Larisa_____

I. NEW BUSINESS

1. City Managers Report (City Manager Richard Brown)

A.Selection of Auditor

Motion_____By____2nd_____

Coogan____Cusack____DiTraglia____Perry____Larisa_____

B.Approval of changes to IBPO collective bargaining agreement

11/1/09-10/31/10

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

2. Reports of Other City Officials

A.Claims Committee Report (by City Solicitor James Briden)

B.Re-designation of the City of East Providence Enterprise Zone (by Director of Planning Jeanne Boyle)

3.Council Members

**A.“The Council Rules of Procedure and Civility in Public Discourse”
(by Mayor Larisa)**

B.The Taxpayers’Budget and Collective Bargaining as Part of the Solution. (by Mayor Larisa)

VII. Communications

1.Denise Oliveira, President of the Cape Verdean Museum Exhibit, 1003 Waterman Avenue (02914) requesting to address the Council regarding a proposal between the City of East Providence and the Cape Verdean Museum Exhibit.

2.Carmen Tubbesing, 69 Brown St, Box 7902, Providence (02912) requesting to address the Council regarding the mechanics of the Fair Elections Bill and benefits of the Bill.

3.Christine Rossi, 29 Woodbine Street (02915) requesting to address

the Council regarding combining the Fourth of July Fireworks with the Heritage Days Festival, creating a new annual “Townie Tides waterfront festival in June at Rose Larisa Park, creating a new annual “Summer Nights” waterfront festival at Bold Point Park.

4.RI State Senator Daniel DaPonte, 48 Vine Street (02914) requesting to address the Council as a response to public comments made by Council as well as personal attacks and mischaracterizations.

II. Adjournment

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___